

## MILPERSMAN 1910-152

### SEPARATION BY REASON OF ALCOHOL REHABILITATION FAILURE OR MULTIPLE DRIVING UNDER THE INFLUENCE (DUI)/DRIVING WHILE INTOXICATED (DWIs)

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References	(a) OPNAVINST 5350.4D (b) Uniform Code of Military Justice (UCMJ)
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1. **Separation Authority (SA)**. Refer to MILPERSMAN 1910-704 to determine SA. When an administrative separation (ADSEP) board is held, refer to MILPERSMAN 1910-710 for guidance in determining SA.

2. **Policy**. Unless a written waiver is obtained, commands shall process for ADSEP all members considered to be treatment failures or who have incurred a second or greater Driving Under the Influence (DUI)/Driving While Intoxicated (DWI) after 4 June 09. Request for waiver will be submitted **to:**

Navy Personnel Command (NAVPERSCOM)  
Enlisted Performance and Separations Branch (PERS-832)/  
Reserve Enlisted Personnel Branch (PERS-913)

**Via:**

Office of Chief of Naval Operations (OPNAV)  
Navy Alcohol and Drug Abuse Prevention Branch (OPNAV-N135F)

3. **Treatment Failure.** Per reference (a), the following are examples of treatment failures:

a. Any member who incurs an alcohol related incident at any time in their career after a period of treatment at Level 1 or above, that was precipitated by a prior incident.

b. Any member who has incurred an alcohol related incident, has been a command referral, or has self-referred, and has been screened by medical personnel and found to be in need of treatment, and who commences but subsequently fails to complete any prescribed treatment at Level I or above, or incurs an alcohol incident. (Conduct, which amounts to a refusal, failure to complete, or non-amenability shall be determined by the medical officer or licensed independent practitioner (LIP). Conduct which amounts to an alcohol incident shall be determined by the member's commanding officer (CO).)

c. Any member who fails to participate in, fails to follow, or fails to successfully complete any medically prescribed and command-approved aftercare plan. This determination must be made by the member's CO in consultation with the Drug and Alcohol Program Advisor (DAPA).

d. Any member who returns to alcohol abuse as defined in current Diagnostic and Statistical Manual (DSM) IV criteria at any time during their career following treatment, at Level I or above, and is determined to be a treatment failure by their CO in consultation with command DAPA, local Substance Abuse Rehabilitation Program (SARP), and appropriate medical officer or LIP.

4. **What is an Alcohol Incident?** An alcohol incident is an offense punishable under reference (b) or civilian authority committed by a member where, in the judgment of the member's CO, the consumption of alcohol was the primary contributing factor.

5. **Waiver Requests.** Submit waiver requests per enclosure (1) of reference (a).

6. **Procedures.** The Notice of Notification Procedure (MILPERSMAN 1910-402) shall be used to process for alcohol rehabilitation failure. Process multiple DUI/DWIs under misconduct per MILPERSMAN 1910-142 or 1910-144 accordingly.

7. Characterization of Separation

a. Alcohol Rehabilitation Failure: The characterization of separation should be General (Under Honorable Conditions), unless an Entry Level Separation (ELS) (MILPERSMAN 1910-308) or Honorable is warranted per MILPERSMAN 1910-304.

b. Multiple DUI/DWIs: The characterization of separation will be determined by the severity of incidents per MILPERSMAN 1910-142 or 1910-144 as appropriate.